

CHAPTER 7 COMPLIANCE PROGRAM

7-01 General Information

7-01.1 Purpose

The Compliance Program has been established to ensure the safety of the travelling public and protect against injury to the road, foundations, surfaces, or structures by enforcing full compliance with all terms and special conditions of the Department-issued Transportation Permit. This is accomplished by informing and educating permittees that violate permit terms and/or conditions, and if necessary, suspending permit privileges.

7-01.2 Authority

The California Vehicle Code (CVC) Division 15, Section 35782, states that “The Department of Transportation or a local authority may issue or withhold the [Transportation] permit at its discretion....” This section also provides the authority to suspend permit privileges through the withholding of the permit for an established period of time.

Case law requires that ‘good cause’ must exist in order to exercise this discretionary authority. Departmental action must not be arbitrary or capricious. ‘Good cause’ exists when there is evidence of permit violations. This chapter establishes a uniform and equitable basis for suspending permit privileges.

7-01.3 Permit Violation Reporting

Evidence of permit violations leading to the suspension of permit privileges is based on written reports filed with the Chief, Transportation Permits Branch (Chief). These written reports may be submitted by any peace officer, traffic officer, California Highway Patrol Officer, or any authorized state agent charged with the care and protection of the state highway system.

Submit all written reports of permit violations to:

Chief, Transportation Permits Branch
California Department of Transportation
P.O. Box 942873, MS # 36
Sacramento, CA 94273-0001

7-01.4 Roles and Responsibilities

The Chief is responsible for overseeing the uniform and equitable enforcement of compliance measures rendered by Headquarters Transportation Permit Office Staff (HQ Staff). When an appeal by a permittee is not resolved by the HQ Staff, the Chief serves as the last reviewing body, renders a final decision, and reports those decisions to the HQ Staff.

The HQ Staff is responsible for discussing compliance status with the permittee, serving as the first reviewing body for disputes, confirming permittee categorization, implementing mandatory suspensions of permit privileges, and when required, implementing immediate suspensions. All discussions, findings, and recommended suspensions are reported to the Chief.

HQ Staff is responsible for maintaining a file of permit violations, assigning points for permit violations, issuing compliance status letters to permittees, and revising permittee categories when necessary. When required, HQ Staff implements the recommended suspensions of the Chief.

7-02 Compliance Program Overview

7-02.1 Summary

Permittee's are assigned points or immediate suspensions for each reported permit violation (see Section 7-05). Mandatory suspensions are imposed when a permittee exceeds an allowable number of points for the latest twelve-month period (see Section 7-03). The number of allowable points and length of suspension depend on the permittee's category (see Tables 7-1 and 7-2). Immediate suspensions are imposed when an excessive permit violation is reported (see Section 7-04).

7-02.2 Point System

Point values differ between violation types and level of severity. Several types of violations exist. They are: bridge hit violations, overheight violations, overwidth violations, overlength violations, and violations of special conditions or instructions. In addition, there are three levels of severity: excessive, major, and minor. The violation types, severity, and applicable point values are assigned according to Section 7-05 of this chapter.

7-02.3 Permit Value

A permittee's permit value is determined by totaling the number of all Single-Trip Permits and Annual Permits obtained in the latest twelve-month period and multiplying each of these numbers by the appropriate assigned value.

Each Single-Trip permit has an assigned value of one. Each Annual Permit is assigned a value of one hundred. Therefore, the permit value is given by Equation 7-1:

Equation 7-1 Permit Value

$$(1 \times ST) + (100 \times AN) = \text{Permit Value}$$

where:

1. ST = Number of Single Trip permits obtained in the latest 12-month period
2. AN = Number of Annual permits obtained in the latest 12-month period

7-02.4 Permittee Categorization

Once the permit value is established, the permittee's category is determined using Table 7-1:

Table 7-1 Permittee Category

Permit Value	CATEGORY
1 – 125	A
126 – 500	B
501 – 1,000	C
1,001 – 2,000	D
2,001 – or more	E

Any permittee that believes its permittee category does not fairly represent its permit activity over the last 12-month period or wishes to affect the value assigned for annual permits can request re-categorization. The permittee must document the number of single trip and annual permits obtained in the last twelve month period and/or may provide a copy of billing records for completed jobs under their annual permit and submit this information to HQ Staff.

If the documentation can be confirmed by the HQ Staff, and they will determine the permittee's proper category in accordance with section 7-02.2 and 7-02.3 of this chapter. Any future action should be taken in accordance with the newly established permittee category.

7-03 Warnings and Mandatory Suspensions

7-03.1 Warnings

When the total number of points accumulated within the latest twelve-month period is less than the threshold number of points for a mandatory suspension, a warning letter is issued via certified mail. The letter of warning indicates the permittee's category, current point total, and the point level at which a mandatory suspension will be imposed. The letter invites the permittee to contact HQ Staff to discuss compliance status as well as any issues related to the permit violations. A copy of this letter is sent to the party citing the violation for information purposes.

7-03.2 Mandatory Suspension Defined

A "mandatory suspension" is defined as the withholding of all or part of a permittee's permit privileges for an established period of time. The required suspension period is imposed according to the schedule in Table 7-2.

Table 7-2 Required Suspension Period

CATEGORY	1 Week Suspension	2 Week Suspension	3 Week Suspension
A	7 pts.	9 pts.	12 + pts.
B	10 pts.	14 pts.	19 + pts.
C	15 pts.	21 pts.	28 + pts.
D	23 pts.	31 pts.	40 + pts.
E	35 pts.	45 pts.	56 + pts.

A mandatory suspension of permit privileges is imposed by the HQ Staff when the total number of points accumulated within the latest twelve-month period reaches the threshold number for a given permittee category as shown in Table 7-2. The required mandatory suspension period upon termination of an immediate suspension is two weeks in accordance with th section 7-04.3 of this chapter.

7-03.3 Mandatory Suspension Notices

If a mandatory suspension is required, a notice of impending suspension is issued via certified mail. The notice of impending suspension states the permittee's category, accumulated points, required suspension period, as well as a deadline to respond to the notification. The letter invites the permittee to contact HQ Staff to discuss compliance status as well as any issues related to the impending suspension.

If the permittee responds to the notice of impending suspension, an additional notice will be sent to the permittee stating the findings and decisions rendered by the HQ Staff as well as any applicable suspension dates.

If the permittee fails to respond to the notice, the suspension will be imposed immediately. An additional notice will be sent to the permittee stating their failure to respond.

7-03.4 Termination of Mandatory Suspension

Mandatory suspensions will terminate when the established period of time has expired. Upon completion of a suspension, points accumulated by the permittee for the twelve-month period prior to suspension will be set to zero. All records of the violations leading to the suspension will remain on file.

7-03.5 Penalty for Subsequent Mandatory Suspensions

If the permittee accumulates enough points to require another mandatory suspension within the same twelve-month period, the number of weeks required for that suspension will be increased by one week.

7-04 Immediate Suspensions

7-04.1 Immediate Suspension Defined

An “immediate suspension” is defined as the immediate and indefinite withholding of all or part of a permittee’s permit privileges. HQ Staff implements immediate suspensions for any excessive permit violation listed in Section 7-05 of this chapter.

7-04.2 Immediate Suspension Notice

The HQ Staff notifies the permittee of the immediate suspension via telephone and may request to meet with the hauler to discuss the violation(s).

The HQ Staff shall send a notice of immediate suspension to the hauler via certified mail. The letter must be typewritten on Department letterhead, and should include, but is not limited to the following information:

- ◆ A description of the excessive violation(s) that occurred, and the terms of the immediate suspension.
- ◆ Name of hauler, date, time, and location of the permit violation(s).
- ◆ A statement requiring a written explanation of the incident in which the following information must be provided by the hauler and sent to the HQ Staff:
 1. A description of the circumstances that led to the violation.
 2. A list of actions that will be taken to prevent further incidents of this nature.
- ◆ An invitation to meet with the HQ Staff (at the option of the Chief).

- ◆ A warning of increasingly severe action should subsequent suspensions occur.

7-04.3 Termination of Immediate Suspension

Immediate suspensions will terminate when the Chief determines that the permittee has adequately explained the circumstances that led to the violation, answered all of the Department’s questions related to the incident, and taken steps to prevent similar incidents from happening in the future. All discussions and findings are reported to the Chief, as well as HQ Staff.

Upon completion of the immediate suspension, the HQ Staff shall notify the hauler via telephone and schedule a mandatory two week suspension. This suspension will be scheduled within the next six months of the date of the incident. In addition, the HQ Staff shall send a notice of reinstatement for the immediate suspension to the hauler via certified mail.

7-05 Permit Violations

7-05.1 Bridge Hit Violation

A. Excessive

1. If the hauler commits any non-permitted action(s) leading to a collision with a state highway appurtenance, an immediate suspension is levied against the hauler. Futhermore, a two-week mandatory suspension of permit privileges shall be implemented in accordance with section 7-04 of this chapter.

7-05.2 Overheight Violations

A. Excessive

1. If not authorized on the face of the permit and the actual height of the vehicle or load exceeds seventeen feet an immediate suspension is levied against the hauler.

B. Major

1. If the actual height of the vehicle or load exceeds the permitted height by more than three inches, six points are assigned to the hauler.

C. Minor

1. If the actual height of the vehicle or load does not exceed the permitted height by more than three inches, three points are assigned to the hauler.

7-05.3 Overwidth Violations

A. Excessive

1. If not authorized on the face of the permit and the actual width of the vehicle or load exceeds sixteen feet on a yellow route or fifteen feet on all other routes, an immediate suspension is levied against the hauler.

B. Major

1. If the actual width of the vehicle or load exceeds the permitted width and the actual dimensions would have required additional pilot cars, CHP escort, changes to the prescribed route, or changes in operational hours, six points are assigned to the hauler.

C. Minor

1. If the actual width of the vehicle or load exceeds the permitted width and the actual dimensions would not have required additional pilot cars, CHP escort, changes to the prescribed route, or changes in operational hours, one point for each excess foot or fraction of a foot is assigned to the hauler.

7-05 Permit Violations (Continued)

7-05.4 Overlength Violations

A. Excessive

1. If not authorized on the face of the permit and the actual length of the vehicle or load exceeds one hundred thirty five feet, an immediate suspension is levied against the hauler.

B. Major

1. If the actual length of the vehicle or load exceeds the permitted length and the actual dimensions would have required additional pilot cars, CHP escort, changes to the prescribed route, or changes in operational hours, six points are assigned to the hauler.

C. Minor

1. If the actual length of the vehicle or load exceeds the permitted length and the actual dimensions would not have required additional pilot cars, CHP escort, changes to the prescribed route, or changes in operational hours, one point for each excess foot or fraction of a foot is assigned to the hauler.

7-05.5 Overweight Violations

A. Excessive

1. If the actual weight of the vehicle and load exceeds the permitted weight by more than ten thousand pounds, an immediate suspension is levied against the hauler.

B. Major

1. If the actual weight of the vehicle and load exceeds the permitted weight by less than ten thousand pounds (10,000 lbs.) but greater than six thousand pounds (6,000 lbs.), six (6) points plus two (2) points for each one thousand pounds (1,000 lbs.) or fraction thereof over six thousand pounds (6,000 lbs.) is assigned to the hauler up to a maximum of fourteen (14) points.

C. Minor

1. If the actual weight of the vehicle and load exceeds the permitted weight by less than six thousand pounds, one point for each one thousand pounds or fraction thereof over is assigned to the hauler up to a maximum of six points.

7-05 Permit Violations (Continued)

7-05.6 Violation of Special Conditions or Instructions

A. Excessive

1. If the hauler purposefully disregards the specific orders of any peace officer, traffic officer, California Highway Patrol Officer, or any authorized state agent charged with the care and protection of the state highway system, an immediate suspension is levied against the hauler.

B. Major

Six points are assigned to the hauler if:

1. The vehicle is travelling without a permit.
2. The vehicle is travelling off of the permitted route.
3. The permit is willfully falsified, altered, or obtained under false pretenses.
4. The hauler uses the permit before or after the times and dates indicated on the face of the permit.
5. The hauler travels during restricted hours such as curfew hours, nights, holidays, or weekends as specified on the face of the permit.
6. The hauler fails to provide the necessary pilot cars as required by the permit.
7. The vehicle or load is other than that described on the face of the permit.
8. The hauler travels during inclement weather as described in Transportation Permit Conditions.

C. Minor

1. If the load can be reduced or dismantled within the meaning of section 320.5 of the California Vehicle Code, three points are assigned to the hauler.
2. If the hauler fails to provide the required warning signs and flags as specified in the Transportation Permit Conditions, three points are assigned to the hauler.
3. If not authorized on the face of the permit and the hauler moves vehicles or loads in convoy, three points are assigned to each hauler involved with the convoy.
4. If the hauler fails to comply with any of the other special conditions outlined on the face of the permit or its accompaniments, three points are assigned to the hauler.
5. If the hauler fails to obtain or present the required permit accompaniments, one point is assigned to the hauler for each missing accompaniment.